

## LITE DEPALMA GREENBERG & RIVAS, LLC

Alberto Rivas  
Two Gateway Center, 12th Floor  
Newark, New Jersey 07102  
Tel: (973) 623-3000  
Fax: (973) 623-0858  
*Attorneys for Petitioner*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**DOCUMENT ELECTRONICALLY FILED**

MICHEL FERNANDEZ,  
Petitioner,  
v.  
UNITED STATES OF AMERICA,  
Respondent.

) Civil Action No.08-5843 (PGS)  
)  
) **RULE 41 NOTICE OF VOLUNTARY**  
) **DISMISSAL AND [PROPOSED]**  
) **ORDER GRANTING DISMISSAL**  
) **WITHOUT PREJUDICE**  
)  
)

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

**PLEASE TAKE NOTICE** that Petitioner Michel Fernandez, by counsel, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, hereby files this Notice of Voluntary Dismissal of this action without prejudice against the Respondent. This Notice is appropriate given that the Respondent has not filed any responsive pleading as of this date.

DATED: January 21, 2009

LITE DEPALMA GREENBERG & RIVAS, LLC

By: /s/ Alberto Rivas  
Alberto Rivas  
Two Gateway Center, 12<sup>th</sup> Floor  
Newark, New Jersey 07102  
Telephone: (973) 623-3000

**IT IS SO ORDERED.**

Dated: 1/22/08

  
Peter G. Sheridan